




SO ORDERED.

SIGNED this 21 day of November, 2017.



Joseph N. Callaway
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
GREENVILLE DIVISION**

IN RE:

**CURTIS M. BYRUM, II and
VALERIE C. BYRUM,
DEBTORS.**

**CASE NO. 14-04470-5-JNC
CHAPTER 12**

CONSENT ORDER RESOLVING MOTION FOR RELIEF FROM STAY

THIS MATTER coming on to be heard before the United States Bankruptcy Court for the Eastern District of North Carolina and it appearing to the Court that MTLGQ Investors, L.P. ("Creditor"), and CURTIS M. BYRUM and VALERIE C. BYRUM ("Debtors"), have agreed and consented to the entry of this Order allowing the conditional relief from the automatic stay pursuant to the agreement of the parties as set forth below:

1. The Debtors commenced this case by filing a petition for relief under Chapter 12 of the Bankruptcy Code on August 4, 2014. Richard D. Sparkman is the duly appointed and acting Chapter 12 Trustee.
2. On the date the petition was filed, the Debtor(s) were the owner(s) of real property located at 166 Lester Lane Road, Tyner, North Carolina 27980 (hereinafter "Property").
3. The Property is subject to the first lien of the Creditor by a Deed of Trust recorded in the Chowan County Register of Deeds in Book 0316 at Page 0829 ("Deed of Trust").
4. Said Deed of Trust secures a Note in the original principal amount of \$148,000.00.
5. The Court confirmed Debtors' Amended Chapter 12 Plan of Reorganization on March 17, 2015 [D.E. 72].
6. The Debtors defaulted in mortgage payments to be made outside of the Plan.
7. MTGLQ Investors, L.P. ("MTGLQ"), is successor in interest to Citimortgage, Inc., holder of Claim #12 ("the Claim"), and which is treated as Class VIII of the confirmed Plan. MTGLQ purports to have a valid lien against the Debtors' primary residence at 166 Lester Lane Road, Tyner, North Carolina 27980.

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Valerie C. Byrum

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8. The Debtors have a pending Motion to Modify Plan [D.E. 181]. The parties agree that this modification resolves the issues raised by the stay motion and the Debtors' response thereto.

9. It is in the best interest of all parties that the Debtors be allowed to modify the treatment of Class VIII.

10. The Debtors' Chapter 12 Plan treatment of Class VIII shall be modified to provide as follows:

CLASS VIII. Secured Claim of MTGLQ. MTGLQ is secured by a deed of trust which is a first lien on the Debtors' home and contiguous land. The claim is fully secured. The outstanding balance of \$96,273.13, will be amortized over a term of ten (10) years with interest at the contract rate of 5.375%, with the ten (10) year term to commence November 2017 through October 2027. The Debtors will begin monthly payments in the amount of \$1,038.86, plus appropriate escrow (currently estimated to be \$440.72 per month), on the first day of November, 2017, and will continue on the first day of each month thereafter until paid in full. Payments will be made directly outside the Plan and no further quarterly arrearage payments will be made by the Debtor or distributed by the Trustee on account of this Class. For the duration of one year, November, 2017 through October, 2018, all payments must be received by MTGLQ within the month in which it is due, failure by the Debtors to timely make this payment will result in the automatic termination of the stay with respect to MTGLQ without further notice or hearing. Further, MTGLQ is entitled to additional attorney's fees in the amount of \$681.00 to be paid through the plan.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED, with the consent of the parties, that the Trustee be Ordered to make no further disbursements to MTGLQ on account of its arrearage claim, but only with respect to MTGLQ's attorney's fees in the amount of \$681.00; and it is further Ordered that the Motion for Relief from Stay [D.E. 121] is denied subject to the above conditions.

CONSENTED TO:

/s/ Melissa Swaby

Melissa Swaby (N.C. Bar No. 48101)

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/s/ David F. Mills

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No Objection

/s/ Richard D. Sparkman

Richard D. Sparkman (N.C. Bar No. 6857)

Chapter 12 Trustee

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